



# House of Representatives

General Assembly

**File No. 199**

February Session, 2022

Substitute House Bill No. 5238

*House of Representatives, March 30, 2022*

The Committee on Children reported through REP. LINEHAN of the 103rd Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## **AN ACT EXPANDING ELIGIBILITY FOR THE VICTIM COMPENSATION PROGRAM.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 54-209 of the 2022 supplement to the general  
2 statutes is repealed and the following is substituted in lieu thereof  
3 (*Effective July 1, 2022*):

4 (a) The Office of Victim Services or, on review, a victim compensation  
5 commissioner, may order the payment of compensation in accordance  
6 with the provisions of sections 54-201 to 54-218, inclusive, for personal  
7 injury or death which resulted from: (1) An attempt to prevent the  
8 commission of crime or to apprehend a suspected criminal or in aiding  
9 or attempting to aid a police officer so to do, (2) the commission or  
10 attempt to commit by another of any crime as provided in section 53a-  
11 24, (3) any crime that occurred outside the territorial boundaries of the  
12 United States that would be considered a crime within this state,  
13 provided the victim of such crime is a resident of this state, [or] (4) any  
14 crime involving international terrorism as defined in 18 USC 2331, as

15 amended from time to time, or (5) an incident of child abuse or neglect  
16 substantiated by the Department of Children and Families.

17 (b) The Office of Victim Services or, on review, a victim compensation  
18 commissioner, may also order the payment of compensation in  
19 accordance with the provisions of sections 54-201 to 54-218, inclusive,  
20 for personal injury or death that resulted from the operation of a motor  
21 vehicle, water vessel, snow mobile or all-terrain vehicle by another  
22 person who was subsequently convicted with respect to such operation  
23 for a violation of subsection (a) or subdivision (1) of subsection (b) of  
24 section 14-224, section 14-227a or 14-227m, subdivision (1) or (2) of  
25 subsection (a) of section 14-227n, subdivision (3) of section 14-386a or  
26 section 15-132a, 15-140l, 15-140n, 53a-56b or 53a-60d. In the absence of a  
27 conviction, the Office of Victim Services or, on review, a victim  
28 compensation commissioner, may order payment of compensation  
29 under this section if, upon consideration of all circumstances  
30 determined to be relevant, the office or commissioner, as the case may  
31 be, reasonably concludes that another person has operated a motor  
32 vehicle in violation of subsection (a) or subdivision (1) of subsection (b)  
33 of section 14-224, section 14-227a or 14-227m, subdivision (1) or (2) of  
34 subsection (a) of section 14-227n, subdivision (3) of section 14-386a or  
35 section 15-132a, 15-140l, 15-140n, 53a-56b or 53a-60d.

36 (c) Except as provided in subsection (b) of this section, no act  
37 involving the operation of a motor vehicle which results in injury shall  
38 constitute a crime for the purposes of sections 54-201 to 54-218,  
39 inclusive, unless the injuries were intentionally inflicted through the use  
40 of the vehicle.

41 (d) In instances where a violation of section 53a-70b of the general  
42 statutes, revision of 1958, revised to January 1, 2019, or section 53-21,  
43 53a-70, 53a-70a, 53a-70c, 53a-71, 53a-72a, 53a-72b, 53a-73a, 53a-82, [or]  
44 53a-83b, 53a-90a, 53a-192a, 53a-196, 53a-196a, 53a-196b or 53a-196i, or  
45 family violence, as defined in section 46b-38a, has been alleged, the  
46 Office of Victim Services or, on review, a victim compensation  
47 commissioner, may order compensation be paid if (1) the personal

48 injury has been disclosed to: (A) A physician or surgeon licensed under  
49 chapter 370; (B) a resident physician or intern in any hospital in this  
50 state, whether or not licensed; (C) a physician assistant licensed under  
51 chapter 370; (D) an advanced practice registered nurse, registered nurse  
52 or practical nurse licensed under chapter 378; (E) a psychologist licensed  
53 under chapter 383; (F) a police officer; (G) a mental health professional;  
54 (H) an emergency medical services provider licensed or certified under  
55 chapter 368d; (I) an alcohol and drug counselor licensed or certified  
56 under chapter 376b; (J) a marital and family therapist licensed under  
57 chapter 383a; (K) a domestic violence counselor or a sexual assault  
58 counselor, as defined in section 52-146k; (L) a professional counselor  
59 licensed under chapter 383c; (M) a clinical social worker licensed under  
60 chapter 383b; (N) an employee of the Department of Children and  
61 Families; (O) an employee of a [child] children's advocacy center,  
62 [established pursuant to] as defined in section 17a-106a; or (P) a school  
63 principal, a school teacher, a school guidance counselor or a school  
64 counselor, or (2) the personal injury is reported in an application for a  
65 restraining order under section 46b-15 or an application for a civil  
66 protection order under section 46b-16a or on the record to the court,  
67 provided such restraining order or civil protection order was granted in  
68 the Superior Court following a hearing, and (3) the office or  
69 commissioner, as the case may be, reasonably concludes that a violation  
70 of any of said sections has occurred.

71 (e) Evidence of an order for the payment of compensation by the  
72 Office of Victim Services or a victim compensation commissioner in  
73 accordance with the provisions of sections 54-201 to 54-218, inclusive,  
74 shall not be admissible in any civil proceeding to prove the liability of  
75 any person for such personal injury or death or in any criminal  
76 proceeding to prove the guilt or innocence of any person for any crime.

77 Sec. 2. (NEW) (*Effective July 1, 2022*) Any employee of the Department  
78 of Children and Families or children's advocacy center, as defined in  
79 section 17a-106a of the general statutes, to whom a personal injury  
80 resulting from any conduct described in subsection (a) of section 54-209  
81 of the general statutes, as amended by this act, is disclosed by the (1)

82 person who suffered such injury, or (2) parent, guardian or legal  
83 representative of such person, shall provide such person, or such  
84 person's parent, guardian or legal representative, verbal and written  
85 notice (A) that such person may be eligible for compensation pursuant  
86 to sections 54-201 to 54-218, inclusive, of the general statutes, and (B) of  
87 the application process described in section 54-204 of the general  
88 statutes, and types and amounts of compensation that may be awarded  
89 pursuant to sections 54-201 to 54-218, inclusive, of the general statutes.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>July 1, 2022</i>	54-209
Sec. 2	<i>July 1, 2022</i>	New section

**KID**            *Joint Favorable Subst.*

*The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.*

## **OFA Fiscal Note**

### **State Impact:**

Agency Affected	Fund-Effect	FY 23 \$	FY 24 \$
Judicial Dept.	CICF - Potential Cost	See Below	See Below

Note: CICF=Criminal Injuries Compensation Fund

### **Municipal Impact:** None

### **Explanation**

The bill expands eligibility for victim compensation from the Judicial Department Office of Victim Services to include victims of an incident of child abuse or neglect that is substantiated by the Department of Children and Families and results in a potential cost to the Criminal Injuries Compensation Fund (CICF). Victims can be awarded between \$5,000 - \$15,000 to help pay for certain expenses not covered by insurance, workers' compensation, or other types of financial resources. In FY 21, awards from the CICF totaled approximately \$1.8 million.

### **The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to awards.

**OLR Bill Analysis****sHB 5238*****AN ACT EXPANDING ELIGIBILITY FOR THE VICTIM COMPENSATION PROGRAM.*****SUMMARY**

This bill expands eligibility for compensation from the Victim Compensation Program to victims of child abuse or neglect substantiated by the Department of Children and Families (DCF). It also requires any DCF or children's advocacy center employee receiving the injury disclosure to notify the victim or the victim's parent, guardian, or legal representative, both verbally and in writing, (1) that the victim may be eligible for compensation through the state's program, (2) about the program application process, and (3) about the compensation types and amounts that may be awarded. The bill does not specify a time frame in which the notification must be made.

Under current law, a crime victim may be eligible for state compensation if he or she sustained personal injury or died as a result of a crime that occurred in Connecticut regardless of the applicant's state residency. In addition, Connecticut residents may be eligible if the crime occurred (1) in another state where they are not eligible for other compensation; (2) outside of the United States, if it would be considered a crime in Connecticut, and they are not eligible for other compensation; and (3) involving international terrorism outside of the country.

EFFECTIVE DATE: July 1, 2022

**BACKGROUND*****Victim Compensation Program***

By law, the judicial branch's Office of Victim Services (OVS) administers the state's Victim Compensation Program. The maximum program payments are \$15,000 for personal injury, \$25,000 for survivor

benefits, and \$5,000 for emotional harm (CGS § 54-211(d)(1)). However, OVS or a victim compensation commissioner may award amounts above the statutory maximum for good cause shown and upon a finding of compelling equitable circumstances (CGS § 54-211(d)(3)).

**COMMITTEE ACTION**

Committee on Children

Joint Favorable Substitute

Yea    13    Nay   0    (03/15/2022)